

**UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF OHIO  
EASTERN DIVISION**

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<b>IN RE: NATIONAL PRESCRIPTION OPIATE LITIGATION</b>	<b>Case No. 1:17-MD-2804</b>
<b><i>APPLIES TO ALL CASES</i></b>	<b>Hon. Dan A. Polster</b>

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**PLAINTIFFS' RESPONSE POSITION PAPER PURSUANT TO THE COURT'S  
JUNE 24, 2019 ORDER REGARDING ARCOS DATA AND  
DOCUMENTS PREVIOUSLY FILED UNDER SEAL**

Plaintiffs' Executive Committee ("PEC" or "Plaintiffs") submit this response position paper in compliance with the June 24, 2019 "Order Regarding ARCOS Data and Documents Previously Filed Under Seal" (ECF No. 1725) ("Order"). This response adopts and incorporates by reference Plaintiffs' prior filings relative to this matter, including those filings addressing disclosure of ARCOS data.<sup>1</sup>

Through their respective July 15, 2019 position papers, the Pharmacy Defendants, Distributor Defendants, and the DEA claim that certain of their prior filings should remain redacted and/or under seal. Plaintiffs hereby address those prior filings to which no continued redaction and/or sealing should remain.

ECF 1839: Pharmacy Defendants claim that their Objections to Discovery Rulings No. 2 and No. 3 – which were filed with redactions, ECF No. 785, and under seal, ECF No. 839 are proper and should be maintained.

ECF 1842: Distributor Defendants claim that their redactions to ECF Nos. 1122 and 1123 (Partial Objection of Distributor Defendants and Pharmacy Defendants to Discovery Ruling No. 7), as well as exhibit E attached thereto, are proper and should be maintained.

ECF 1844: DEA claims that its redactions to ECF Nos. 662, 663 and 717 are proper and should be maintained.

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<sup>1</sup> See Doc. Nos. 1798, 1831, 1841 & 1849.

Plaintiffs disagree with these specific claims, as said filings do not meet the high standards for withholding from the public information in the judicial record. Relative to the above listed filings, Defendants and the DEA have not proven a “compelling interest” in maintaining the redactions/sealing, and regardless, have not proven that any such interest outweighs the public’s interest in accessing the records – particularly considering the facts and circumstances of this matter – all as detailed in Plaintiffs’ July 15, 2019 Position Paper. *See* Doc. #: 1841 at pp. 1-5.

Dated: July 29, 2019

Respectfully submitted,

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### **CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on this 29<sup>th</sup> day of July, 2019, I have electronically filed the foregoing with the Clerk of Court using the CM/ECF System. Copies will be served upon counsel of record by, and may be obtained through, the Court's CM/ECF System.

/s/ Peter H. Weinberger  
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*Plaintiffs' Co-Liaison Counsel*